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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,865	07/18/2003	William Samuel Herz	NVID-056/00US	2905
23419 7590 09/19/2007 COOLEY GODWARD KRONISH LLP ATTN: Patent Group Suite 500 1200 - 19th Street, NW Washington, DC 20036-2402			EXAMINER THERIAULT, STEVEN B	
			ART UNIT 2179	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

mn

Office Action Summary

Application No.

10/622,865

Applicant(s)

HERZ, WILLIAM SAMUEL

Examiner

Steven B. Theriault

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4, 7, 8, 12-14, 16, 17, 19 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 7-8, 12-14, 16-17, 19, 21-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This action is responsive to the following communications: Amendment filed 04/03/2007.

This action is made Final.

2. Claims 1, 4, 7-8, 12-14, 16-17, 19, 21-24 are pending in the case. Claims 1 and 19 are the independent claims. Claims 2-3, 5-6, 9-11, 15, 18, 20, 25-36 are the cancelled claims.

Claim Rejections - 35 USC § 102

3. **The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:**

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1, 4, 7-8, 16, 19, 21, 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Shutaro et al (hereinafter Shutaro) EP 1096453 published Feb 05, 2001.**

In regard to **Independent claim 1**, Shutaro teaches a method of using a graphical user interface to navigate a media center, comprising:

- Displaying a remote control icon that is a three-dimensional animation representing a physical universal remote control of the media center; (See Figures 6a-6c and Para 0049) Shutaro shows a three dimensional animation of a remote control on the interface. The remote control is represented to give the user an easier way to manipulate the physical remote without having to look down at it.
- In response to a user inputting a command by pressing a button of the physical universal remote control, updating said three-dimensional animation to display an animation of the

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button which was pressed to indicate to the user that the command was received by the media center (Shutaro Para 0051-0056 and Figures 6a-6c) Shutaro teaches placing a highlighting frame around the selected key of the remote so that the user knows which item they have selected on the remote.

With respect to **dependent claim 4**, Shutaro teaches the method wherein said command is a command to select one of a plurality of media devices (See Figure 8 and Para 0068-0069) Shutaro shows the user can select a plurality of devices and command is to select the device icon

With respect to **dependent claim 7**, Shutaro teaches the method wherein said displaying comprises: displaying media device icons for a plurality of media devices controlled by the physical universal remote control (See Figure 8 and Para 0068-0071) Shutaro teaches a plurality of devices can be controlled from the remote and once the given device Icon has been selected that the appropriate commands for the selected device are shown on the interface.

With respect to **dependent claim 8**, Shutaro teaches the method wherein said plurality of media devices includes at least one of a TV receiver, DVR, PVR, EPG, CD player, DVD player, interactive electronic game, digital radio, or an Internet appliance (See Figure 8 and Para 0068-0071). Shutaro shows a VTR and EPG control (See also Para 0092).

In regard to **Independent claim 19**, Shutaro teaches a media center, comprising: a display

- A universal remote control having a plurality of buttons to control a plurality of media devices of the media center (See Figures 1-5 and Para 006)
- A computer and associated graphics processor, the computer receiving commands from the universal remote control (See Figure 2, 27 microcomputer). Shutaro shows the remote control directly is communication with the microcomputer.

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- ~~a graphics processor coupled to the computer for generating graphical images on said~~ said computer displaying three-dimensional media center icons to represent attributes of said media center including generating a remote control icon that is a three-dimensional animation of the universal remote control displaying which buttons are pressed to indicate to the user that corresponding commands are received by the media center (Shutaro Para 0051-0056 and Figures 6a-6c) Shutaro teaches placing a highlighting frame around the selected key of the remote so that the user knows which item they have selected on the remote.

With respect to **dependent claim 16**, Shutaro teaches the method wherein ~~said at least one media center icon is a remote control icon for a universal remote control~~, the remote control icon has buttons representing a plurality of media control buttons of said physical universal remote control; said buttons of the remote control icon being updatable to represent processing of commands received from said physical universal remote control (See figure 4, keys with codes and Figures 6a-6b) Shutaro teaches the codes for the control of the TV are used with a soft press and a hard press of the given keys 1-9. Shutaro teaches the user can select another device ICON, shown in figure 8, and the user selects VTR instead of TV and the computer assigns keys to control the VTR and the buttons on the display are updated to now command the VTR (See Para 0071).

With respect to **dependent claim 21**, Shutaro teaches the media center where said computer is configured to display media center icons for a stack of entertainment devices based on which button of said universal remote control is pressed (See Figure 8, 10a, 13a, and Para 0026,) Shutaro shows a stack or variety of Icons that control a variety of devices. The stack is shown horizontally and each device is controlled by the remote.

With respect to **dependent claim 23**, Shutaro teaches the media center wherein said computer is configured to display media center icons comprising media player icons (See Figure 8 and Para 0068-0071) Shutaro teaches a plurality of devices can be controlled from the remote and once

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the given device Icon has been selected that the appropriate commands for the selected device are shown on the interface.

Claim Rejections - 35 USC § 103

5. **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shutaro et al (hereinafter Shutaro) EP 1096453 published Feb 05, 2001 in view of Kojima et al (hereinafter Kojima) U.S. Patent No. 6236398 issued May 22, 2001 and published Feb. 6, 1998.**

With respect to **dependent claim 12**, as indicated in the above discussion, Shutaro teaches every element of claim 7.

However, Shutaro does not expressly teach were the said media device icons comprise three-dimensional representations of media devices.

Kojima teaches a process of representing the icons on a television screen where the connected device can be selected and the icons are three-dimensional representations of the connected devices (See 5b, 7b, 8b, 9b, 13b, and column 6, lines 35-50 and column 7, lines 12-17, 42-45, and 59-65). Kojima teaches a process of providing a selecting means in a media center for allowing the user to see the device represented in the focus window where the Icons represent the actual device to be operated.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention, having the teachings of Shutaro and Kojima in front of them, to modify the system

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of Shutaro with Kojima to display the device icons shown in Shutaro with the icons of Kojima because Kojima teaches the process of displaying the icons in 3D form for the purposes of clearly identifying the device to the user so that no confusion exists as to which device is selected (See column 5, lines 15-34). Further, Shutaro and Kojima both teach process of displaying menu information on the display to control a plurality of device types. The motivation to combine Shutaro with Kojima comes from the suggestion in Kojima to make it easier for the user to visually and intuitively see what type of device has been selected (See column 2, lines 1-10 and 25-31 and column 5, lines 30-35 and column 10, lines 60-65).

7. **Claims 13-14, 17, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shutaro et al (hereinafter Shutaro) EP 1096453 published Feb 05, 2001 in view of Miller et al (hereinafter Miller) U.S. Patent No. 6597358 issued July 22, 2003 and filed Aug. 26, 1998**

With respect to **dependent claims 13-14, 17, 24**, as indicated in the above discussion, Shutaro teaches every element of claim 7 and 19.

Shutaro teaches the process of using the remote control to select a media player icon on the interface and shows the process of controlling each device (See figure 8).

Shutaro does not expressly teach:

- A first media center icon is a media player icon having a window disposed on a front surface for displaying media, a back surface, and a side surface connecting said front and back surfaces;
- Said updating further comprises in response to a command to change from a first media device to a second media device:
 - Rotating said first media player icon from a front view" to a side view; and opening the second media player icon
 - Wherein a portion of the side of said first media player icon remains unobstructed from view by said second media player.

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- wherein said first media player icon is activated by selecting an unobstructed portion of said first media player icon.
- wherein a front view and a side view of the media player icon may be displayed.
- wherein at least one media center icon is an inactive media window icon corresponding to an edge-view of a media player icon.

However, Miller teaches a 3D representation of an application window where the windows are disposed on the front, back and side of a cube. The application windows on the side of the cube can be from a variety of applications (See column 3, lines 40-52), which can be a media player. Miller teaches the ability to rotate the cube (See column 6, lines 40-53). Miller teaches that multiple applications cube can simultaneously exist on the interface, where a first media application can exist in cube A and a second can be in cube b, as shown in figure 7. The user can rotate the cubes with a pointer or input device and a user can manipulate one cube where the cube remains unobstructed (cube A) from view when the user rotates the second cube or visa versa. Miller teaches that the user can select from one cube that is unobstructed (See figure 6) as the user can select from the side window and the front is still in view. Miller shows the front and side view simultaneously displayed (See figure 7, G and H). Miller teaches the windows operated as traditional windows and the user can have application window E be an inactive window on the edge of the second cube in figure 7 as the user decides which applications they wish to display, which can be a window that is inactive, meaning not is use and not in focus, while displayed on the cube. Miller and Shutaro are analogous art because they both teach a process of simplifying the interface for the user where commands and applications are manipulated on the interface to make the interaction process easier.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention, having the teachings of Miller and Shutaro in front of them, to modify the Icons of Shutaro with the 3D cube of Miller for the purposes of displaying more information in a smaller space and to allow for multiple applications to run simultaneously without overlapping window configurations. The motivation to combine Miller with Shutaro comes from the suggestion in Miller

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that display space is at a premium and providing a window with a 3D area allows for the placement of windows on the display that would have otherwise obstructed the view of the display and not allowed the user to interact with several application controls at once.

8. **Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shutaro et al (hereinafter Shutaro) EP 1096453 published Feb 05, 2001 in view of Kwon et al (hereinafter Kwon) U.S. Patent No. 7043691 issued May 29, 2006 and filed June 30, 2000.**

With respect to **dependent claim 22**, as indicated in the above discussion, Shutaro teaches every limitation of claim 19.

Shutaro expressly teaches that the media center computer is configured to display media center icons for a plurality of media devices (See Figure 8).

Shutaro does not expressly teach the media center computer is configured to display the devices and their associated connections during a setup step for establishing media device connections.

However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Kwon, because Kwon teaches a process of displaying a menu with icons and a process of showing the user the connections needed to setup a device (See column 2, lines 1-31). Kwon and Shutaro are analogous art for several reasons: First, they operate with several device types in media environment such and DVD, TV, and CD players. Second, they provide on-screen support and assistance. Third, they both provide functions through menus. Therefore, the suggestion to combine Shutaro with Kwon comes from the teaching in Kwon to help the user to understand the process of connecting and interacting with the functions of the

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machine through a visual means.

It is noted that any citation to specific pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

Response to Arguments

Applicant's arguments with respect to claims 1, 4, 7-8, 12-14, 16-17, 19, 21-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. Theriault whose telephone number is (571) 272-5867. The examiner can normally be reached on M, W, F 10:00AM - 8:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SBT


WEILUN LO
SUPERVISORY PATENT EXAMINER